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EXAMINER

PEARSON, DAVID J

ART UNIT

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2437

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/578,831 | <b>Applicant(s)</b><br>NAKANO ET AL. |  |
|                              | <b>Examiner</b><br>DAVID J. PEARSON  | <b>Art Unit</b><br>2437              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 0209.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. Claims 1-14, 17 and 19 have been amended. Claims 15-16, 18 and 20 have been canceled. Claims 1-14, 17 and 19 have been examined.

***Response to Arguments***

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. Claims 1-2, 4-14, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al. (U.S. Patent Application Publication 2008/0072040; hereafter "Asano"), and further in view of Abburi et al. (U.S. Patent Application Publication 2003/0084306; hereafter "Abburi").

For claims 1, 14, 17 and 19, Asano teaches an authentication system, method and computer readable storage medium having a program including a judgment device and an object, the judgment device judging whether the object is invalid using a blacklist, the judgment device comprising:

A holding unit (note paragraph [0527]) operable to hold the blacklist (note paragraph [0176]) **indicating** whether the object is invalid (note paragraph [0525]); and **operable to hold** a whitelist (note paragraph [0410]) **indicating** whether the judgment device is valid (note paragraph [0525]);

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A judgment unit operable to judge whether the whitelist needs to be updated (note paragraph [0540]);

An acquisition unit operable to, **when the judgment unit judges that the whitelist needs to be updated**, acquire together a latest blacklist and a latest whitelist, (note paragraph [0540]); and

An update unit operable to write together the **acquired** latest blacklist and the **acquired** latest whitelist, respectively over the blacklist and the whitelist in the holding unit (note paragraph [0540]).

Asano differs from the claimed invention in that they fail to teach:

**The acquisition unit acquiring the latest blacklist and the latest whitelist regardless of whether a judgment is made as to whether the blacklist needs to be updated.**

Abburi teaches:

**The acquisition unit acquiring the latest blacklist and the latest whitelist regardless of whether a judgment is made as to whether the blacklist needs to be updated** (note paragraph [0314]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the authentication system of Asano and the automatic revocation updating of Abburi. It would have been obvious because a simple substitution of one

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known element (acquiring a new revocation list when acquiring a new license, content, etc. of Abburi) for another (acquiring a new revocation list when old list is out of date of Asano) would yield the predictable results of regularly updating a revocation list (note paragraph [0314] of Abburi).

For claim 2, the combination of Asano and Abburi teaches claim 1, wherein

The object is a storage medium used for storing information (note Fig. 1 and paragraph [0162] of Asano),

The holding unit holds a medium blacklist **indicating** whether the storage medium is invalid, **the medium blacklist being held** as the blacklist (note paragraph [0525] of Asano),

The acquisition unit acquires a latest medium blacklist as the latest blacklist (note paragraph [0540] of Asano), and

The update unit writes the latest medium blacklist over the medium blacklist in the holding unit (note paragraph [0540] of Asano).

For claim 4, the combination of Asano and Abburi teaches claim 1, wherein

The object is an information acquisition device (note Fig. 3 and paragraph [0165] of Asano),

The holding unit holds a device blacklist **indicating** whether the information acquisition device is invalid, **the device blacklist being held** as the blacklist (note paragraph [0525] of Asano),

The acquisition unit acquires a latest device blacklist as the latest blacklist (note paragraph [0540] of Asano), and

The update unit writes the latest device blacklist over the device blacklist in the holding unit (note paragraph [0540] of Asano).

For claim 5, the combination of Asano and Abburi teaches claim 4, wherein

The information acquisition device is a medium access device for **at least one** of writing information to (note paragraph [0529] of Asano) and reading information from a storage medium used for storing information (note paragraph [0554] of Asano).

For claim 6, the combination of Asano and Abburi teaches claim 5, **wherein the judgment device** is integrated with the information acquisition device as a single device (note Fig. 3 and paragraph [0169] of Asano).

For claim 7, the combination of Asano and Abburi teaches claim 4, wherein

The information acquisition device is a digital broadcast reception device for receiving information **that** is broadcast by digital broadcasting (note paragraph [0122] of Abburi).

For claim 8, the combination of Asano and Abburi teaches claim 1, wherein

The judgment unit **performs** the judgment **of whether the whitelist needs to be updated** using information about a generation of the whitelist (note paragraph [0540] of Asano).

For claim 9, the combination of Asano and Abburi teaches claim 8, wherein

The judgment unit includes:

A first acquisition subunit operable to acquire, **from the object**, first generation information **indicating** a required generation of the whitelist (note paragraph [0540] of Asano);

A second acquisition subunit operable to acquire second generation information **indicating** an actual generation of the whitelist held in the holding unit (note paragraph [0540] of Asano); and

A judgment subunit operable to compare **a** generation **indicated** by the first generation information and **a** generation **indicated** by the second generation information, and **operable to judge that** the whitelist **needs** to be updated **when** the generation **indicated** by the first generation information is newer than the generation **indicated** by the second generation information (note paragraph [0540] of Asano).

For claim 10, the combination of Asano and Abburi teaches claim 9, wherein

The first acquisition subunit acquires a first version number **indicating** the required generation of the whitelist, **the first version number being acquired** as the first generation information (note paragraph [0540] of Asano),

The second acquisition subunit acquires a second version number **indicating** the actual generation of the whitelist held in the holding unit, **the second version number being acquired** as the second generation information (note paragraph [0540] of Asano), and

The judgment subunit compares the first version number and the second version number (note paragraph [0540] of Asano).

For claim 11, the combination of Asano and Abburi teaches claim 1, wherein

The blacklist includes an identifier of the object **when** the object is invalid (note paragraphs [0176] and [0525] of Asano), and

The judgment device further comprises

An invalidity judgment unit operable to judge whether the object is invalid, by checking whether the identifier of the object is included in the blacklist (note paragraph [0536] of Asano).

For claim 12, the combination of Asano and Abburi teaches claim 1, wherein

**Both** the whitelist and the blacklist are integrated as a single list (note Fig. 38 of Asano).



For claim 13, the combination of Asano and Abburi teaches claim 1, wherein

The whitelist includes **one of** an identifier of the judgment device **and** information **indicating** a set of identifiers of valid objects including the judgment device, **when** the judgment device is valid (note paragraphs [0410] and [0525] of Asano), and

The blacklist includes **one of** an identifier of the object **and** information **indicating** a set of identifiers of invalid objects including the object, **when** the object is invalid (note paragraphs [0176] and [0525] of Asano).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Asano and Abburi as applied to claim 1 above, and further in view of Akishita et al. (U.S. Patent Application Publication 2002/0184259; hereafter "Akishita").

For claim 3, the combination of Asano and Abburi teaches claim 1, wherein

The holding unit holds an object blacklist **indicating** whether the object is invalid, **the object blacklist being held** as the blacklist (note paragraph [0525] of Asano),

The acquisition unit acquires a latest work blacklist as the latest blacklist (note paragraph [0540] of Asano), and

The update unit writes the latest work blacklist over the work blacklist **held** in the holding unit (note paragraph [0540] of Asano).

The combination of Asano and Abburi differs from the claimed invention in that they fail to teach:

The object is a digital work.

Akishita teaches:

The object is a digital work (note paragraph [0013]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combination of Asano and Abburi and the digital work of Akishita. It would have been obvious because a simple substitution of the known element (a content blacklist of Akishita) for another (medium blacklist of Asano) would yield the predictable results a device blocking items found on its blacklist.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turnbull et al. (U.S. Patent 6,092,201) teaches checking a revocation list whenever a whitelist is updated (note column 8, lines 16-36).

Nonaka et al. (U.S. Patent Application Publication 2003/0046238) teaches using a revocation list when creating a registration list. The revocation list is updated automatically (note paragraphs [0669]-[0675]).

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PEARSON whose telephone number is (571) 272-0711. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm; off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. J. P./  
Examiner, Art Unit 2437

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437